



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

**ENVIRONMENTAL IMPACT COMMISSION
MINUTES**
Web-Based Meeting Hosted on ZOOM
Wednesday, March 10, 2021
7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo opened the web-based meeting at 7:00 p.m. Present were Geoff Herald, Mark Massoud, and Matt Rose. Staff present were Environmental Compliance Officer Richard Janey and Secretary Mary Larkin. Dr. Mary Cronin was absent.

ACCEPTANCE OF MINUTES: February 24, 2021

There being no additions or corrections, a motion to accept the Minutes of February 24, 2021 was made by Mark Massoud; seconded by Matt Rose. Motion passed with AYES from Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

The next regular meeting is scheduled for March 24, 2021.

OLD BUSINESS:

#1129 Encompass Health, Chipman Mazzucco Emerson LLC, Agent, Reserve Road & Corporate Center Drive (B15005) for In-patient, Physical Medical Facility

Ward Mazzucco, Esq. introduced his team, Erik Lindquist, Project Engineer and Matt Popp, Project Environmentalist. Mr. Mazzucco stated that we left off last time with the Environmental Impact Commission seeking a review of the Encompass Health proposal, and he offered to go over the responses or if Mr. James McManus of JMM Wetland Consulting Services wished to speak first, then his team is happy to go over their responses. Commissioner Mark Massoud said that would like to hear from the applicant first. Mr. Mazzucco shared Mr. McManus's report on screen with responses from Mr. Lindquist and Mr. Popp. Mr. Lindquist stated that the first two questions are addressed by the same revised map. As stated in the report. Response to No. 1 was submitted as follows:

“The Subsurface Exploration Plan was created before the project survey was completed. An older survey and wetland delineation for the entire Reserve Parcel was used in its place to advance this work during the early stages of design. The wetlands were recently flagged and are shown correctly on all the full-size plan sheets included with this application. Furthermore, the wetland flags were left in the field for review if needed. A revised Subsurface Exploration Plan with the updated survey and wetland flagging has been included with these responses for review.”

The submitted response to No. 2 was: ***“The Subsurface Exploration Plan was developed prior to the site plan being finalized and included a building layout that was a preliminary placeholder to advance the field work. A revised Subsurface Exploration Plan with the current site layout has been provided with these responses for your review.”***

Mr. Lindquist continued with No. 3 regarding soil test pits and the fact there was no evidence of mottling, indicating seasonal high water. The two test pits used were E & J, and the on-site engineer hit several locations that were too shallow with (inaudible) rock that is not good for infiltration and not shown on the plan. Test pits went deep 15’ to 16’ with no ground water, no refusal, so they feel comfortable that the infiltration system will function well. There will be fill there as well. The response was submitted as follows:

“Mottling was not observed in either Test Pit E or J, the two test pits used for the design of the infiltration system. The test pits did not encounter groundwater nor refusal and each went down approximately 15-feet to a ground elevation of roughly 682.5. The infiltration system will be placed at an elevation of 688.8 (bottom of stone), with the pipe inverts being at 689.8. The system will be over 6-feet above the bottom of the excavation and at a suitable elevation above potential fluctuation of groundwater elevation (which was not observed).”

Mr. Lindquist expanded on the response to No. 4 indicating water quality and CT DEEP Stormwater Quality Manual siting wet ponds and other types of basins as primary treatment. It also references infiltration as a suitable method for removal of pollutants and suspended solids for water quality. The submitted response to No. 4 was as follows:

“Infiltration systems are a recommended and accepted stormwater management practice according to the 2004 CTDEEP Stormwater Quality Manual for the treatment of pollutants and the recharge of surface water runoff. Furthermore, the proposed infiltration system will be part of a treatment train of best management practices to further improve the quality of runoff discharging from the site. These include gross-particle separators, catch basins with sumps, a level spreader, stone check dams, and additional plantings for bioremediation prior to the wetlands.”

Matthew Popp, Project Environmentalist, Environmental Land Solutions, addressed Nos. 6 & 7. Mr. Popp discussed the habitat for Bog Turtle. Mr. Popp gave a recent history of findings from John Sullivan and Clemons regarding this area as a probable habitat for bog turtle and both found the site was not suitable. Mr. Clemons indicated most experts believe that bog turtles do not exist in Fairfield County. Mr. Popp said he has walked the land about 25 times and never saw bog turtles. In the upland area sand blackberry was found, and it was relocated, not far from the gas easement, for monitoring. Regarding the

question about vernal pool wildlife species that could possibly breed in the wetlands, and there are— about 20 years ago Clemons identified a vernal pool, an oval shape, like an old farm pond about 1,000 ft. from this area, and about 10 years ago they identified another vernal pool area which is on the gas easement area which contained spotted salamander and wood frogs. Throughout the site there is potential for these species to breed. Bog plants existed in the area of the gas easement, but they no longer exist.

No other questions. The floor was turned over to Mr. James McManus, Certified Professional Soil Scientist. Mr. McManus explained this was a table-top review by him. Because of the snow pack and time line, he stated he had not visited the site and explained reasons for his questions. He wanted to know what type of till existed in the area. Mr. McManus thought the absence of redox at 15' was unusual. Mr. McManus felt he could not make a recommendation on the two test pits given. He acknowledged that DEEP does recognize infiltration as a secondary situation. He likes some sort of pretreatment to take care of some of the nitrogen. Mr. Lindquist acknowledged DEEP's pretreatment before the system. Mr. McManus recommended low grass swales. Discussion continued with other recommendations and best practices and balances.

Commissioner Mark Massoud said we now have some new information and proposed that Mr. McManus respond to that and obtain any additional information he needs to complete his review and draw some conclusions. Mr. Massoud stated that still his biggest outstanding issue centers around handling the erosion control, handling of slopes during the mass grading. He would like the applicant to produce a more comprehensive process or plan including oversight with a more detailed plan on how erosion control measures will be handled during a critical phase. Mr. Massoud said that his experience proved that large projects that include mass grading of multiple acres of land were problematic, requiring detailed, on-site review on a regular basis and the ability to come up with almost on-the-fly alternative erosion control measures to respond to the ever-changing nature of the grading. He is asking for some kind of process with oversight that will address seven acres of land being mass graded and to put forth protection of the wetland during the critical phase. Erik Lindquist said there are inspections weekly and after every rainfall. He also said that the grading will done in increments of approximately a half an acre at a time, which will be stabilized before moving on. Mr. Lindquist said the wall will be a physical barrier once it is constructed. Mr. Massoud suggested a narrative and reference to some of the standards mentioned. Mr. Lindquist offered a link to the actual (inaudible). Jim McManus asked if there was any feedback from DEEP, to which Mr. Lindquist indicated the DEEP will review after the local approval.

Motion to table Application No. 1129 until the next regular meeting on March 24, 2021 was made by Mark Massoud so that the applicant can provide additional information and give our consultant a chance to make some final comments; seconded by Geoff Herald. Motion passed with AYES from Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

#1130 City of Danbury, 34 Hayestown Road, (I08007), RR-10, for four-space gravel parking area.

David Null, Engineer for the City of Danbury, said that First Light received the application and had no further comment except that they are swamped right now with applications. There will be a "no-mow" area down by the beach and rip rap will be added, per Brian Wood's (First Light) recommendations.

Antonio Iadarola, Director of Public Works, City Engineer, joined the meeting and stated that they have had a good relationship with Brian Wood and informed the Commission that First Light has significantly changed their process regarding the way they permit certain activities within their regulated activities. He continued to explain that First Light falls under Federal mandate and they regulate Federal waters, which are related to creating power in a very specific way. Mr. Iadarola offered to work with the

Commission and the Environmental Compliance Officer to update the Commission regarding the new process for future applications. The issuance and regulation of activity within their formal submittal of regulated Federal waters falls on First Light to evaluate if an application should be submitted to EIC. Brian Wood supports the contribution of an emergency response to under water bodies.

Mr. Iadarola asked the Commission to vote on this and added that the Danbury Fire Department will be making an investment of \$30,000 toward the building of a dock. Mr. Gallo said the Commission is open to the opportunity for updating. Mr. Gallo said they would like to have an approval or disapproval on the record, yet disapproving would not change First Light's decision.

Motion to table Application No. 1130 until the next regular meeting on March 24, 2021 to hear from First Light was made by Geoff Herald; seconded by Matt Rose. Motion passed with AYES from Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

NEW BUSINESS:

#1131 PSD Automotive Group LLC, Benjamin V. Doto III, P.E., agent, 13 Sugar Hollow Road, (G17008) CG-20 Zone, for ramped sidewalk

Benjamin V. Doto III, P.E. introduced this application on behalf of Bruce Bennett Nissan. Mr. Doto explained this regulated activity has wetlands to the north and west of the site. This will be an auto service and sales location, and they need the ability to drive vehicles into the building. Three service doors will be cut on north side of the building, and they are tearing out 60' of curbed sidewalk and replacing with 60' of sloped sidewalk for vehicles entering for service.

There are no changes to drainage system and no added impervious surfaces. The large stormwater management basin near Kissen Brook, built in the 90's, remains unchanged. There are about 400 parking spaces, six of which will be removed for drive aisles to service bays. Current door openings will remain the same. Parking will be used for customer, employee, and storage and display of vehicles. The location is served by City water and sewer.

Motion to approve No. 1131 administratively was made by Matt Rose; seconded by Geoff Herald. Motion passed with AYES from Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

OTHER MATTERS: In attendace at the meeting was Gary Prybylski, Sr. and Gary Prybylski, Jr., who is an Eagle Scout candidate and purusing his Merit Badge in Communications. Gary Prybylski, Jr. was acknowledged by the Commission and wished success with his Eagle Scout requirements.

ADJOURNMENT:

Motion to adjourn was made by Geoff Herald; seconded by Matt Rose. Motion passed with AYES from Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Mary S. Larkin
Secretary